

## **Planning Committee**

Thursday, 6 February 2020

**10.00 am**

Oak Room, County Buildings, Stafford

**NB.** Members are requested to ensure that their Laptops/Tablets are fully charged before the meeting.

John Tradewell  
Director of Corporate Services  
29 January 2020

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## **A G E N D A**

**Please see attached notes**

1. **Apologies**
2. **Declarations of Interest in Accordance with Standing Order No. 16**
3. **Minutes of the meeting held on 3 October 2020** (Pages 3 - 6)
4. **Applications for Permission and Other Approvals**  
Reports of the Director for Economy, Infrastructure and Skills
  - a) **Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth T.19/02/928 W** (Pages 7 - 26)  
  
Stericycle application for change of use of existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works.
  - b) **Cranebrook Quarry (also referred to as Brownhills Quarry), Muckley Corner, Lichfield L.15/15/802 MW D1** (Pages 27 - 32)  
  
WCL Cranebrook Quarry Limited request to be released from Restoration Guarantee Bond in accordance with paragraph 5 of Schedule 3 to the Section 106 legal agreement dated 6 February 2018 associated with permission ref. L.15/15/802 MW.
5. **Annual Report - Safety of Sports Grounds April 2018 - March 2019** (Pages 33 - 40)  
Report of the Director for Economy, Infrastructure and Skills

6. **Planning, Policy and Development Control - Half Year Performance Report** (Pages 41 - 48)

Report of the Director for Economy, Infrastructure and Skills

7. **Exclusion of the public**

The Chairman to move:-

“That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 indicated below”.

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**Part Two**

(All reports in this section are exempt)

8. **Planning Regulation - Performance and Delegated Decisions Report** (Pages 49 - 60)

(Exemption Paragraph 1,2,3,5&7)

Report of the Director for Economy, Infrastructure and Skills

**Membership**

David Brookes	Kyle Robinson
Ron Clarke	Paul Snape
Alan Dudson	Mike Worthington
Keith James	Bob Spencer
David Smith (Vice-Chairman)	Ian Lawson
John Cooper	Jeremy Oates
Julia Jessel (Chairman)	Richard Ford
Trevor Johnson	

**Note for Members of the Press and Public**

**Filming of Meetings**

The Open (public) section of this meeting may be filmed for live or later broadcasting or other use, and, if you are at the meeting, you may be filmed, and are deemed to have agreed to being filmed and to the use of the recording for broadcast and/or other purposes.

**Recording by Press and Public**

Recording (including by the use of social media) by the Press and Public is permitted from the public seating area provided it does not, in the opinion of the chairman, disrupt the meeting.

## Planning Committee Agenda Notes

### Note 1

The County Council has in place a scheme to allow Public Speaking at meetings, whereby representations may be made direct to the Planning Committee on these items.

The County Council's rules governing this facility are contained in the Protocol on Making Representations Direct to the Planning Committee which can be found on the Staffordshire Web [www.staffordshire.gov.uk](http://www.staffordshire.gov.uk) (click on "Environment" click on the shortcut to the "Planning" click on "Planning Committee" and then click on "Planning Committee – Public Speaking Protocol"). Alternatively, a copy of the Protocol may be obtained by contacting Member and Democratic Services on 01785 276901 or emailing [desu@staffordshire.gov.uk](mailto:desu@staffordshire.gov.uk)

Parties wishing to make oral representations must submit their request to Member and Democratic Services either by emailing [desu@staffordshire.gov.uk](mailto:desu@staffordshire.gov.uk), or by telephoning 01785 276901 **before 5.00 pm on the Monday preceding the date of the Planning Committee meeting (or the Friday preceding if the Monday is a Bank Holiday).**

### Note 2

#### **Staffordshire County Council Policy on Requests for the Deferral of the Determination of Planning Applications**

1. The County Council will on receipt of a written request for the deferral of the determination of a planning application prior to its consideration by the Planning Committee accede to that request only where the following criteria are met:-
  - (a) the request is received in writing no later than 12.00 noon on the day before the Committee meeting; and
  - (b) the basis for the deferral request and all supporting information is set out in full (requests for extensions of time to enable the applicant to submit further information in support of the deferral will not be accepted); and
  - (c) the deferral request will not lead to the determination of the application being delayed beyond the next suitable Planning Committee

The only exception will be where the request proposes a significant amendment to the applications. An outline of the nature of the intended amendment and an explanation of the reasons for making it must be submitted with the deferral request. The full details of the amendment must be submitted within 28 days of the request being accepted by the Committee, failing which the Committee reserve the right to determine the application on the basis of the original submission as it stood before the applicant's request was made.

2. Under no circumstances will the County Council accept a second request for deferral of an application.
3. The County Council will not object to applicants formally withdrawing applications before they are determined whether they are applications being considered for the first time or following an accepted deferral request.

### **Note 3**

#### **Policy for Committee Site Visits**

1. Committee Site Visits should only take place where:-
  - (a) The visual verbal and written material is insufficient to convey a clear impression of the impacts and affects on the site and its surroundings.
  - (b) Specific impacts/effects such as landscape, visual amenity, highways and proximity to properties need to be inspected because of the site's location, topography and/or relationship with other sites/facilities which cannot be addressed in text form.
  - (c) The proposals raise new or novel issues on site which need to be inspected.
2. Site visits should not be undertaken simply at the request of the applicant, objectors or other interested parties whether expressed in writing or during public speaking.
3. No site should be revisited within a period of two years since the last visit unless there are exceptional circumstances or changes since the last site visit.
4. The arrangement and conduct of all visits should be in accordance with the Committee's Site Visit Protocol, a copy of which can be found on the Staffordshire Web which was referred to earlier.

**Minutes of the Planning Committee Meeting held on 3 October 2019**

Present: Julia Jessel (Chairman)

**Attendance**

Ron Clarke	Kyle Robinson
Alan Dudson	Paul Snape
David Smith (Vice-Chairman)	Mike Worthington
Ben Adams	Ian Lawson
John Cooper	Jeremy Oates

**Apologies:** Keith James, Trevor Johnson and Bob Spencer

**PART ONE**

**50. Declarations of Interest in Accordance with Standing Order No. 16**

**51. Minutes of the meeting held on 6 June 2019**

**RESOLVED** – That the minutes of the meeting held on 6 June 2019 be confirmed and signed by the Chairman.

**52. Applications for Permission**

**53. Seisdon Sand Quarry, Ebtree Road, Seisdon SS.19/02/627 M**

The Committee received a presentation by the Case Officer on the proposed application to vary conditions 3, 8 and 11 of planning permission SS.18/08/627 M relating to an extension of time for working operations to 30 November 2019 so as to allow: 1) the continued export of stockpiled sand and gravel; and 2) the import of restoration materials subject to the prior approval of the Mineral Planning Authority.

The Case Office informed the Committee that the County Council, as the Highway Authority, had now responded to the consultation and had no objection to the proposals on highway grounds.

The Committee queried if the site would be open to the public when the restoration was completed as there will be a lake in the middle of the site. The Case Officer explained that footpaths would cross the restored site, but the land would be in private ownership and therefore any liabilities would rest with the private landowner. The Committee also queried who would be ensuring that the vehicle movements complied with the planning permission, in response the Case Officer explained that the site operator is required by planning condition to record all vehicle movements.

The Committee expressed their disappointment that the applicant has sought a further extension of time having been granted an extension by the Committee on 7 March 2019.

The Committee were advised that no further extraction or importation of waste is taking place on the site as this application is to remove the remaining stockpiles.

The Committee were informed that the Liaison Committee will reconvene on 24 October 2019 which will provide an opportunity for local residents to see how the restoration works are progressing.

Following a vote it was:

**RESOLVED** – To PERMIT the application to vary (not comply with) conditions 3, 8 and 11 of planning permission SS.18/08/627 M relating to an extension of time for working operations to 30 November 2019 to allow: 1) the continued export of stockpiled sand and gravel; and, 2) the import of restoration materials subject to the prior approval of the Mineral Planning Authority, subject to the conditions of the current planning permission (SS.15/13/627 M and the conditions highlighted in the report.

#### **54. Shire Oak Quarry, Chester Road, Shire Oak L.19/05/809 MW**

The Committee received a presentation by the Case Officer on the proposed application not to comply with (to vary) conditions 18 and 29 of planning permission L.16/05/809 MW to facilitate a topsoil blending and export operation through the importation of BSI PAS 100 compost.

County Councillor David Smith as the local member spoke to the Committee, he explained that he was confident that these proposals would not result in any additional impact on the local community.

Note by Clerk – following addressing the committee as the local member, Mr David Smith left the room.

The Case Office informed the Committee that, having received additional information, Walsall Council had now withdrawn their objection.

The Committee queried what the nature of the complaints made about the quarry were, and the Case Officer explained that the Planning Regulation Team had only received one complaint since the site had restarted following the grant of the extension planning permission in 2018

Following a vote it was:

**RESOLVED** – To PERMIT the application to not to comply with (to vary) conditions 18 and 29 of planning permission L.16/05/809 MW to facilitate a topsoil blending and export operation through the importation of BSI PAS 100 compost at Shire Oak Quarry, Chester Road, Shire Oak subject to the conditions of the current planning permission (L.16/05/809 MW), with variations and updates highlighted in the report.

#### **55. Decisions taken under Delegated Powers**

The Committee considered the 'County Matters' and consultation with Staffordshire County Council dealt with by the Director of Economy, Infrastructure and Skills under delegated powers.

**RESOLVED** – That the report be noted.

**Chairman**





<b>Local Member</b>	
Mr. J. Oates	Tamworth - Bolebridge

**Planning Committee      6 February 2020**

**Waste County Matter**

**Application No (District):**    [T.19/02/928 W](#) (Tamworth)

**Applicant:**                        [Stericycle](#)

**Description:**                    Change of use of existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works

**Location:**                        Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth

**Background/Introduction**

1. The applicant currently operates a healthcare waste treatment plant and transfer facility at 1 Station Road, Four Ashes which is due to close when the current lease expires in 2020 (see Relevant Planning History below).

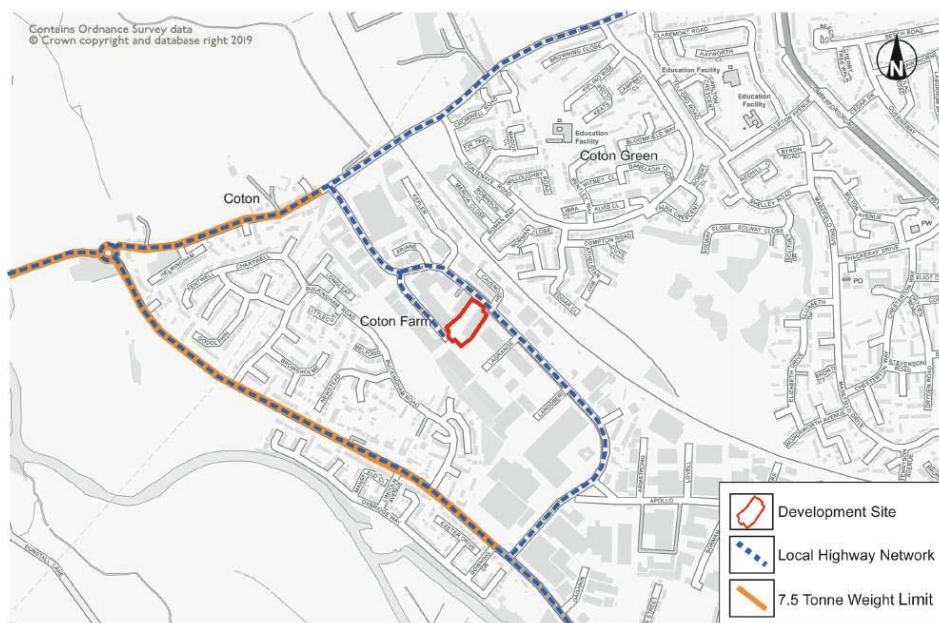
**Site and Surroundings**

2. The site consists of an existing concrete portal framed industrial building and a concrete service yard area which can be accessed from both the 'Mariner' and 'Gerard' access roads within the Lichfield Road Industrial Estate, to the north-west of Tamworth town centre (see photograph below). According to the supplementary information submitted with the application, the building has recently been refurbished having been vacant since 2007. The site is surrounded by B2 (general industrial) and B8 (storage and distribution) uses.



Extract from the marketing particulars appended to the 'Consideration of Tamworth Local Plan Policy EC7: Strategic Employment Areas'

3. The nearest residential properties are about 100 metres to the north east of the site, beyond industrial premises and the West Coast Mainline railway (Coton Green) and about 100 metres to the south west of the site, beyond industrial premises and woodland (Coton Farm) (see Plan 1).
4. The industrial estate is close to the A51 Lichfield Road and approximately 1.5 miles from the A5 trunk road which provides dual carriageway access to the M42 (Junction 10) and M6 Toll (Junction T4) motorways. Due to local weight restrictions there is a signposted route for HGVs accessing the industrial estate (see extract from the Transport Statement below).



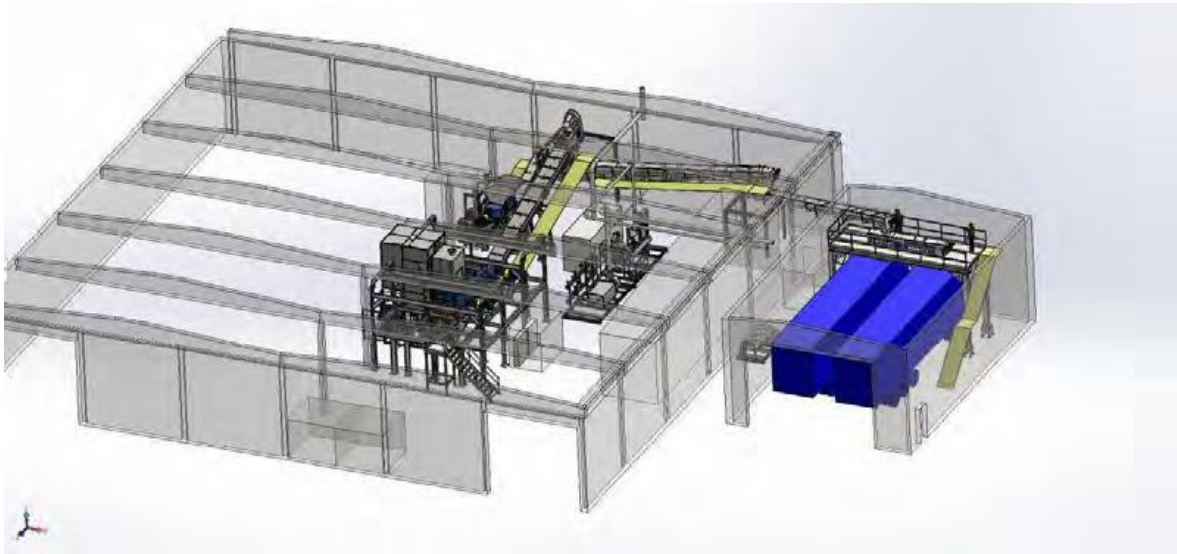
Extract from the Transport Statement - Figure 3.2 Local Highway Network

## Summary of Proposals

5. The development proposals consist of the following elements:
  - a) The change of use of an existing vacant warehouse from a 'B' Use Class to a 'sui generis' healthcare waste treatment plant and transfer facility;
  - b) The erection of a freestanding open fronted building to the south-western elevation of the building which would be linked to the main building;
  - c) The installation of additional roller shutter doors on the north-western elevation of the building;
  - d) The erection of 1.8m high palisade fencing and gates internally within the site to separate the yard from the main parking area;
  - e) The provision of 13 additional car parking spaces (32 in total); and,
  - f) The installation of a 6-space cycle stand.

6. The facility would employ 57 people, some of whom would transfer from the existing facility at 1 Station Road, Four Ashes, which is due to close at the end of 2019.
7. The facility would receive packaged healthcare and related wastes that are suitable for either on-site treatment (physio-chemical or mechanical) or transfer off-site to other disposal or recovery facilities. The on-site treatment operations would involve a single gas fired steam auger with integral shredder for the heat disinfection and mechanical treatment of hazardous wastes and a separate cold shred line for mechanical treatment of non-hazardous wastes. These operations would also involve bin washing of re-useable waste containers and the storage of the treatment plant residues prior to transfer off-site. The transfer station operations would involve the storage of hazardous and non-hazardous wastes prior to on-site treatment or transfer to disposal or recovery facilities elsewhere, and re-packaging / light compaction prior to disposal or recovery elsewhere.
8. The treatment plant consists of a shredder, a single chamber steam auger and pollution abatement equipment. The process is described below:
  - a) The waste would be shredded under negative pressure before being transferred to the auger chamber where a combination of heat, moisture and residence time would disinfect the waste.
  - b) Steam would be supplied to the auger from the gas fired steam raising plant.
  - c) Off-gases from the auger would be cooled in a condenser with the resulting water being discharged to foul sewer. Any residual gases would be transferred through the abatement system with the off-gases from the shredder system.
  - d) The abatement system comprises a high efficiency particulate air (HEPA) filter, a coalescing vessel and a carbon filter bed that in combination are designed to remove any infectious bio-aerosols, excess moisture and any residual organic compounds and odours from the off-gases before their release to atmosphere.
  - e) There would be a single emission point to air from the treatment process where the final off-gases would be released, and a further associated emission point to air from the gas fired steam raising plant.
  - f) There would also be an emission point to foul sewer for effluent arising from the treatment process condensate and for effluent arising from the container washing process.
  - g) There would be no emissions to surface water arising from the activities at the site.
  - h) The shredded and treated residue would be stored on site pending transfer off-site for disposal to landfill or for recovery and use as a refuse derived fuel.
  - i) The thermal waste treatment process and mechanical treatment of offensive waste would be undertaken wholly within the process building with no treatment activities being undertaken outside the building (see drawing below). Light compaction of offensive waste would be the only activity which occurs externally. Waste would be stored in designated storage areas both inside and outside the building. All designated storage areas have impermeable surfaces

with sealed drainage and all waste would be stored in fully enclosed, leak-proof containers.



Extract from the Flood Risk Assessment Revision 1 – November 2019 – Figure 3.1

9. The majority of the waste received at the facility would be produced by the NHS, with the largest single contract being with the West Midlands Clinical Waste Consortium, a group of NHS trusts in the region.
10. To service the public and private hospitals, doctors' surgeries, health centres, dental practices and other producers of similar type wastes, the operations would take place on a 24 hour / 7days per week, 365 days per year basis.
11. The facility would have the capacity to treat up to 2 tonnes of healthcare waste per hour with an annual throughput of 17,500 tonnes and the capacity to transfer an additional 6,000 tonnes of waste per year to be sent for recovery or disposal. The residual waste following treatment sent off-site would be classified as a solid recovered fuel and the transferred waste would be sent for incineration or recovery elsewhere with only small amount sent to landfill such that 100% of the treated waste is recycled / recovered and up to 80% of the transferred waste is reused / recycled / recovered or subject to energy recovery.
12. Up to 22 commercial vehicles would operate from the facility comprising of 9 cars/vans (<3.5 tonnes) and 13 HGVs (7.5 to 26 tonnes) plus 2 additional HGVs vehicles which would regularly visit the site to transfer waste to other sites. A maximum of 48 two-way commercial movements per day (24 in and 24 out).
13. The application is accompanied by a number of documents and plans including:
  - Planning Statement (incorporating the Waste Development Statement and Statement of Pre-application Engagement)
  - Transport Statement
  - Air Quality and Odour Risk Assessment
  - Flood Risk Assessment

- Noise Assessment
- Existing and Proposed Layout Plans
- Existing and Proposed Elevations

14. The following supplementary documents have also been submitted:

- A Revised Flood Risk Assessment
- A response to third party representations
- Consideration of Tamworth Local Plan Policy EC7: Strategic Employment Areas

### **The Applicant's Case**

15. The applicant, [Stericycle](#) contend that they are the UK's leading provider of healthcare waste services. They are part of Stericycle Inc which provides healthcare services to over half a million customers worldwide. Clinical waste management is one of their business operations and with their national network of clinical waste facilities they can process all types of healthcare waste including orange, yellow and tiger bagged waste, sharps and pharmaceutical waste and other difficult to process waste streams.

### **Relevant Planning History**

16. The County Council has not issued any planning permissions related to the site or nearby however the following planning permissions relate to the existing 1 Station Road, Four Ashes site:

- [SS.006/01/614 W](#) dated 25 March 2002 – to replace the clinical waste incineration with clinical waste disinfection unit. The permission is accompanied by a Section 106 Legal Agreement dated 22 March 2002 which includes obligations related to a liaison committee, traffic routing and a limit of 20 vehicles leaving the site between 10pm and 7am.
- [SS.003/01/614 W](#) dated 25 March 2002 - to renew the clinical waste transfer station permission. The above legal agreement also accompanies this permission.
- [SS.00/00636](#) dated 4 September 2000 – permission to continue temporary use as a clinical waste transfer station

### **Environmental Impact Assessment (EIA)**

17. As the proposed development (falls within / could fall within) the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has issued a "Screening Opinion" which concluded that the proposed development is not EIA development and therefore the planning application need not be accompanied by an Environmental Statement (ref: [SCE.253/Units 40-46 Mariner](#) dated 21 June 2019).

## Findings of Consultations

### Internal

18. **Highways Development Control** (on behalf of the Highways Authority (HA)) - no objection, subject to conditions to require more details of the parking, turning and space for manoeuvring and details of the secure cycle parking. The HA reviewed the Transport Statement and noted that: the existing weight restrictions which prohibit vehicles over 7.5 tonnes passing through the village of Hopwas; there are no existing accident problems in the area that would be exacerbated by the proposed development; the site has generally good accessibility by sustainable transport means; the provision of 32 car parking spaces (19 existing, 13 proposed included 1 disabled space) is acceptable, however the dimensions of 14 spaces shown on the plans appear not to be adequate. The HA concluded that 'the proposed development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe'.
19. **Flood Risk Management** (on behalf of the Lead Local Flood Authority (LLFA)) – no objection subject to conditions to require a more detailed Surface Water Drainage Scheme. The LLFA commented that the site lies in Flood Zone 3 and adjacent to an unnamed watercourse.
20. **County Noise Engineer** – no objection subject to a condition to limit the number of commercial vehicle movements outside of the normal daytime period to the proposed level (20). The Noise Engineer reviewed the Noise Assessment and noted: the location within an existing industrial estate; the location of residential development within 125 metres and 180 metres of the site, albeit with no line of sight; the location of the West Coast mainline railway; and, the results of representative background noise levels which produced daytime LA90 level of 38 dB and a night time level of 28 dB at the residential locations and a daytime level of 48dB close to the site on Mariner. The Noise Engineer concluded that there is the potential for an adverse noise impact from the external operations, particularly the vehicle movements, during the early morning period (0400 to 0600).
21. **Planning Regulation Team** – no comments on the current application and confirmed that they had no records of complaints about the existing site at Four Ashes.

### External

22. **Tamworth Borough Council – Planning** – no objection and confirmed, following a request from the Case Officer, that there are no restrictions to 24 hour use, including vehicle use on the site. However... 'following research there have been some restrictions to vehicular uses between 0000 hrs and 0600 hrs on other units on Lichfield Road Industrial Estate in order to protect residential amenities although these appear to relate to properties adjacent to dwellings. Some restriction on the type of vehicular use during night time operating hours may therefore be appropriate'. Also... 'I would expect appropriate conditions to be applied in respect of noise and odours, which I understand is of concern to nearby residents.'
23. **Tamworth Borough Council – Environmental Protection** – no issues or concerns having reviewed the submitted documents, including the Noise Assessment and Air Quality and Odour Risk Assessment.

24. **Environment Agency** – no objection subject to conditions following consideration of a revised Flood Risk Assessment which contained more details about the level of the internal and external storage of waste relative to the ‘breach level’ of the local flood defence barriers.
25. **Severn Trent Water** - no objection and advised that the applicant would be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991 for use or reuse of sewer connections either direct or indirect to the public sewerage system.
26. **Staffordshire Fire and Rescue Service** – no objection and provided information about: access requirements; the Waste Industry Safety and Health Forum (WISH) publication ‘[Reducing Fire Risk at Waste Management Sites](#)’; their policy in favour of the installation of an automatic water suppression system and advice available from the [British Automatic Fire Sprinklers Association](#).
27. **Public Health England (PHE)** – no comments other than to advise that they are not a statutory consultee and do not normally comment on planning applications ‘unless there are specific chemical & environmental hazard concerns which have the potential to impact on the health of local communities. Impacts on public health from local air quality, noise and contaminated land fall under the remit of the local authority and it is their responsibility to decide whether or not to comment on these aspects of the planning application. PHE are usually consulted at the Environmental Permitting stage and it is at this point that PHE will pick up any public health concerns.’
28. **Western Power Distribution (WPD)** - provided information about WPD Electricity /WPD Surf Telecom apparatus in the vicinity of the site.

## **Publicity and Representations**

29. Site notice: YES      Press notice: YES
30. About 100 neighbour notification letters were sent out and 31 representations have been received, together with an on-line petition containing about 390 names. The concerns raised in the representations and petition are summarised below:
  - The facility, although needed, is too close to residential areas and a playing field - Hopwas, The Alders Farm, the Riverside estate and the Coton Green. Consequently, the risk of: air pollution and odours; night time noise from reversing alarms, from the loading and emptying of vehicles and containers and from the use of the roller shutter doors; and, the risk to human health from outside storage and from sharps being spilled on the Lichfield Road which is used by school children. The risks should also be independently assessed.
  - The impact of traffic 24/7 per week, 365 days per year, including the increased risk of accidents and congestion.
  - Lower property prices.

## **The development plan policies (and proposals) and the other material planning considerations relevant to this decision**

31. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:
- ‘To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- This includes the presumption in favour of development found at [paragraph 11 \(not 14 as stated\) of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.’
32. [Appendix 1](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

### **Observations**

33. This is an application for a change of use of an existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works at Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth.
34. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultation responses and the representations received, the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- The general development plan policy and other material planning policy considerations
  - The site-specific development plan policy considerations and the matters raised by consultees and in representations

### **The general development plan policy and other material planning policy considerations**

The right type, in the right place and the right time?

35. [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (WLP) Policy 2.3 Broad Locations requires waste management facilities to be located:
- a) as close as possible to where the waste arises to reduce the need to transport waste great distances;
  - b) on general industrial land (including urban and rural general industrial estates alongside B2 (general industrial) and B8 (storage and distribution) uses);
  - c) (for facilities of a sub-regional scale) within or close to large settlements
  - d) (for facilities of a regional scale) within the waste supply area to minimise



transport; viable sustainable alternatives should be considered; the development should be of a scale and size which is proportionate and appropriate to the area; and, avoid causing unacceptable adverse impacts.

36. Commentary: The majority of the waste received at the facility would be produced by the NHS, with the largest single contract being with the West Midlands Clinical Waste Consortium, a group of NHS trusts in the region. The site is on the Lichfield Road Industrial Estate which is identified as a B2 / B8 employment area in the [Tamworth Local Plan](#) (TLP) (Policy EC7) (discussed below). Tamworth is identified as a large settlement in the WLP. This is a replacement for an existing facility serving the same catchment area and for the reasons discussed below it is considered that the waste operations would not cause any unacceptable adverse impact.
37. TLP Policy SS2 repeats the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) at the time of adoption that proposals for development that demonstrate that they are in accordance with policies in the plan and are sustainable will be granted planning permission without any delay. [Note: the latest version of the NPPF (February 2019) refers to accordance with up-to-date development plan policies.]
38. Commentary: A recent review of the WLP confirmed that the plan policies continue to carry weight in the determination of planning applications for waste development. The TLP is the current local plan for the area.
39. The [National Planning Policy Framework](#) (NPPF) contains no specific waste policies. Instead the [National Planning Policy for Waste](#) (NPPW) explains the need to:
  - a) drive waste management up the waste hierarchy;
  - b) promote a more sustainable and efficient approach to resource use; and,
  - c) ensure that waste is considered alongside other spatial planning concerns.
40. The NPPW also emphasises the importance of:
  - a) putting in place the right waste management infrastructure at the right time and in the right location;
  - b) providing a framework in which communities and businesses are engaged to take more responsibility for their own waste;
  - c) securing the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and,
  - d) ensuring that the design and layout complements sustainable waste management.
41. WLP Policy 1.1 promotes the principal that waste is a resource and seeks to encourage the diversion of waste away from landfill and supports waste development which manages waste higher in the 'waste hierarchy'.
42. Commentary: The facility is expected to divert waste from landfill by recycling / recovering 100% of the 17,500 tonnes of treated waste and 80% of the 6,000 tonnes

of transfer waste. The facility is needed now as the lease on the current site will expire in 2020. For the reasons discussed below the site is an acceptable location. The site would primarily serve the West Midlands Clinical Waste Consortium, a group of NHS trusts in the region. As discussed below, the submitted assessments and consultee comments confirm that the operations would not endanger human health or harm the environment.

43. Conclusion: Having regard to the general development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the site is the right type, in the right place and the proposals are at the right time. Therefore, the proposals are considered to be acceptable in principle. The site-specific considerations are discussed below.

### **The site-specific development plan policy considerations and the matters raised by consultees and in representations**

The site-specific requirements

44. [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (WLP) Policy 3.1 sets out the general requirements for new and enhanced waste management facilities which should be:
- a) fully contained within well designed purpose built or appropriately modified existing buildings or enclosed structures appropriate to the technology or process; and,
  - b) compatible with nearby uses, and appropriate in scale and character to their surroundings giving careful consideration to any cumulative effects that may arise.
45. Commentary: Other than some external storage in sealed containers and light compaction, the waste operations would take place inside an appropriately modified existing building and enclosed structure which is appropriate to the technology and processes. For the reasons discussed above and below it is reasonable to conclude that the proposals are compatible with nearby uses, and appropriate in scale and character to their surroundings having given careful consideration to any potential cumulative effects that may arise.
46. [Tamworth Local Plan](#) (TLP) Policy EC6: Sustainable Economic Growth supports the protection and enhancement of the existing network of strategic employment areas. TLP Policy EC7: Strategic Employment Areas identifies the Lichfield Road Employment Area as one of those areas. The policy states that where non B1(b, c), B2 and B8 uses are proposed within strategic employment areas, the developer will be required to demonstrate:
- a) through an independent assessment, that the site is no longer attractive to the market for its existing permitted use, which will include evidence that it has been marketed for a period of at least 12 months, a market view of the site and details of the marketing;
  - b) evidence to demonstrate that there are no other more suitable locations outside of strategic employment areas that are available;
  - c) good accessibility by walking, cycling and public transport, and,

- d) there will be no direct or cumulative negative impact on the vitality, viability or function of strategic employment areas and other centres.
47. Commentary: the site is within the Lichfield Road Employment Area identified in the TLP and the agent has provided the following additional information to address the Policy EC7 criteria (a) to (d):
- a) The site has been vacant since mid-2007 despite being actively marketed since 2008. The latest landlords have been marketing the site since February 2016 and had no interest until now. There are also a number of other units up for sale / lease in the local area. The agent therefore contends that ‘the premises are no longer attractive to the market for its existing permitted use and consideration of an alternative use of the site is therefore acceptable.’
  - b) A 6-step process was followed to identify a suitable site from a general search, initial site visits, a short-list, internal review, site investigations, and final review. Sites in Birmingham, Coventry, Stoke-on-Trent, Dudley, Wolverhampton and Coleshill were ruled out and it was therefore concluded that ‘there were no other more suitable locations outside of the strategic employment areas that are currently available to meet the needs of the proposed development.’
  - c) The findings of the Transport Statement have confirmed that there is good accessibility by walking, cycling and public transport to the site.
  - d) The planning assessment ‘demonstrates that the scale of the operation proposed would be appropriate to and compatible with neighbouring land uses and premises. It has also been established in the assessment of the proposals that the proposed waste management facility would be acceptable in terms of air quality, noise, odour and vibration. The proposed development is therefore acceptable in all respects without harming the amenities of occupiers of units elsewhere on the industrial estate. The proposed development is also an employment generating use proposing 57 jobs and would bring back into active use a site that has been vacant for a considerable period of time. The agent concludes that ‘The proposals would therefore have no negative impact on the vitality, viability or function of the Lichfield Road Employment Area.’
48. It is reasonable to conclude that this additional information does satisfactorily address the policy requirements.

#### Design considerations

49. WLP Policy 4: Sustainable design and the protection and improvement of environmental quality similarly seek to ensure that waste management facilities are well designed, compatible with adjoining land uses and the locality, and would not give rise to materially harmful impacts, except where the material planning benefits of the proposals outweigh the material planning objections.
50. TLP Policy SU3: Climate Change Mitigation promotes, amongst other matters, the effective use of land.
51. Commentary: For the reasons discussed above it is considered that the proposals are well designed (the operations primarily taking place within an industrial building) and compatible with adjoining land uses and the locality thereby an effective use of

the land (being on an industrial estate allocated for B2 and B8 uses and occupying existing vacant premises); and, for the reasons discussed below (the consideration of the submitted assessments by consultees who raised no objections) it is considered that the proposals would not give rise to any materially harmful impacts.

52. WLP Policy 4.2 includes a list of possible considerations. Relevant to this case are the potential effects of the proposals on:
- a) people and local communities (including the potential health effects);
  - b) the highway network; and,
  - c) air, water and flood risk.
53. Similarly TLP Policy SU2: Delivering Sustainable Transport promotes sustainable forms of travel and highway safety; TLP Policy SU4: Flood Risk and Water Management seeks to direct development to areas of lowest flood risk, subject to the sequential and exceptions tests and requires Flood Risk Assessments in zones 2 and 3; and, TLP Policy SU5: Pollution, Ground Conditions requires assessments of the risk of pollution and mitigation measures; and, states that development will be refused where there is an unacceptable risk to public health, quality of life or the environment.
54. Commentary: Having considered the submitted assessments, the relevant consultees have raised no objections to the proposals, subject to the conditions recommended below.

#### Comments from consultees

55. Internal and external consultees have no objections, subject to conditions (e.g. conditions to require more details of the parking and the foul and surface water drainage arrangements, and to limit night-time traffic). The applicant's agent has accepted the heads of terms of the conditions and informatives that are recommended below.
- The proximity to residential areas and consequential risks (air pollution, odours, night time noise, risks to human health and independent risk assessments)
56. Local residents (and others via the on-line petition) have expressed concerns about the location relative to residential areas. As described earlier (and shown on Plan 1), the site is located on an industrial estate and at least 100 metres from the nearest residential property. The site is also separated from residential properties by the industrial estate buildings, and in some instances by woodland, the West Coast mainline railway line and open spaces.
57. As explained previously, as the proposals would occupy existing premises on the Lichfield Road Industrial Estate, the location is acceptable from a WLP and TLP policy point of view.
58. The application is accompanied by air, odour, flood and noise assessments and a transport statement which conclude that there would be no unacceptable adverse impacts. Technical consultees, including Tamworth Borough Council's Environmental Protection Team, the Environment Agency, the County Council's noise engineer and the Flood Risk Management Team have all independently considered the

assessments and have raised no objections albeit that the County Council's noise engineer did have some concerns about the potential impact of night time traffic noise and recommended a condition to limit the night time vehicle movements to 20 (as proposed between 04:00 and 06:00 hours). Tamworth Borough Council's planners also acknowledged that a restriction on vehicular use during the night may be appropriate. The applicant's agent has accepted the condition recommended below.

59. It is relevant to note the government guidance on waste which explains that:

'There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.' (ref. [Guidance – Waste - Regulatory regimes](#)).

60. The day-to-day operations would be controlled by an Environmental Permit regulated by the Environment Agency.

61. It is also worth noting that no complaints have been received by the Planning Regulation Team about the applicant's existing operations at Four Ashes which are due to transfer to this site.

The impact of traffic (365 days per year, the risk of accidents and congestion)

62. The Transport Statement (TS) has assessed the impact of the vehicle fleet of 22 (+2) vehicles (cars, vans and HGVs) as a result of the proposed 365-day per year operation and the typical movements between 04:00 and 06:00 hours and between 13:00 and 15:00 hours each day. In total, having regard to the number of employees (drivers and site staff), it is estimated that there would be 134 two-way daily movements, comprising of 104 car and van movements and 30 HGV movements. The TS compared this with the impact of a typical B2 / B8 use in the AM and PM peak periods and concluded that that the proposed use would generate 10 fewer two-way movements in the AM peak and an increase of 2 two-way movements in the PM peak. The TS also reviewed the local traffic accident records, noted that there are no unusual patterns or trends and concluded that there are no inherent highway safety issues in the area immediately surrounding the site which would likely be exacerbated by the proposed development.

63. The Highways Authority agrees with the conclusions in the TS that 'the proposed development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe'.

Lower property prices

64. The facility would occupy an existing industrial unit, which has been vacant since 2007, on an existing industrial estate which is separated from residential areas by trees, a railway line and open spaces. Furthermore, the Planning Committee will

know that the courts have ruled that in general:

‘planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.’ (emphasis added)(ref. Planning Practice Guidance - [How must decisions on applications for planning permission be made?](#) paragraph 008 - ‘What is a material planning consideration?’).

65. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

## **Overall Conclusion**

66. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to application, the supporting information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

## **Recommendation**

**Permit** the application for a change of use of an existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works at Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth, subject to conditions.

**The conditions** to include the following:

1. To define the permission - the site and the approved documents and plans
2. To define the date of commencement of the development and the date when it is brought into use
3. To define the cessation of operations, site clearance requirements and expiry of the planning permission
4. To define the access arrangements
5. To define waste types – non-hazardous and hazardous healthcare waste
6. To limit the waste quantities – 17,500 tonnes in a 12-month period (treatment) and 6,000 tonnes in a 12-month period (transfer)
7. To specify the operating hours for the avoidance of doubt - 24 hours per day, 7 days per week, 365 days per year
8. To limit total traffic movements to 48 (24 in and 24 out) of which night-time traffic movements not to exceed to 20 vehicle movements (10 in and 10 out)
9. To require that no deleterious materials are deposited on the public highway
10. To require the site to be laid out as shown on the Proposed Site Layout plan
11. To require best practicable means to minimise noise – roller shutter doors closed, non-intrusive reversing / warning systems
12. To require best practicable means to minimise the risk of odours
13. To require details of vehicle parking, turning and manoeuvring space to be submitted and approved prior to the commencement of the development;

- implemented prior to the development being brought into use; and, thereafter, to require the parking and turning areas to remain available for the approved use.
14. To require details of the secure cycle parking arrangements to be submitted and approved prior to the development being brought into use; and, thereafter maintained
  15. To require the waste operations to be carried out inside the building and any external storage of waste or recyclable materials to be in sealed containers
  16. To require the transfer of waste to and from the site to be carried out in sealed containers
  17. To require all yard surface water, trade effluent, sewage effluent or contaminated water to be disposed of through the mains sewerage system connected to the site
  18. To require the storage of oils, fuels and chemicals to be carried out on an impervious base
  19. To require the mitigation measures described in the Revised Flood Risk Assessment to be carried out in full including:
    - a) all waste stored internally to be stored at least 150 millimetres above the breach flood level of 58.05m AOD; and,
    - b) all waste stored externally to be stored at least 1 metre above existing ground levels.
  20. To require a Flood Emergency Management Plan to be submitted and approved
  21. To require a detailed Surface Water Drainage Scheme to be submitted and approved
  22. To require all plant, vehicles and equipment not in current use to be stored in an orderly manner and redundant plant, vehicles and equipment to be removed from the site
  23. To require external floodlighting or other illumination not to cause glare to neighbouring business and road users
  24. To require the boundary fencing and entrance gates to be maintained in good condition and fit for purpose to secure the site
  25. To require record keeping – vehicle movements; waste tonnages – treatment and transfer; and, complaint handling.

**The informatives** to include the following:

1. The advice received from Western Power and Distribution.
2. The advice received from the Staffordshire Fire and Rescue Service.
3. The advice received from Severn Trent Water.
4. The advice received from the Environment Agency

Case Officer: Mike Grundy - Tel: (01785) 277297 email: <a href="mailto:mike.grundy@staffordshire.gov.uk">mike.grundy@staffordshire.gov.uk</a>
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<i>A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).</i>
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## **Appendix 1 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision**

### **The development plan policies (and proposals)**

#### [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
  - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
  - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
  - 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
  - Policy 4.1 Sustainable design
  - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

#### [Tamworth Local Plan \(2006 - 2031\)](#)

(adopted 23 February 2016)

- Policy SS2: Presumption in favour of sustainable development
- Policy EC6: Sustainable Economic Growth
- Policy EC7: Strategic Employment Areas
- Policy SU2: Delivering Sustainable Transport
- Policy SU3: Climate Change Mitigation
- Policy SU4: Flood Risk and Water Management
- Policy SU5: Pollution, Ground Conditions

### **The other material planning considerations**

- [National Planning Policy Framework](#) (updated February 2019):
  - [Section 2](#): Achieving sustainable development –
  - [Section 6](#): Building a strong, competitive economy
  - [Section 8](#): Promoting healthy communities
  - [Section 9](#): Promoting sustainable transport
  - [Section 11](#): Making effective use of land
  - [Section 12](#): Achieving well-designed places
  - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
- [Planning Practice Guidance](#)

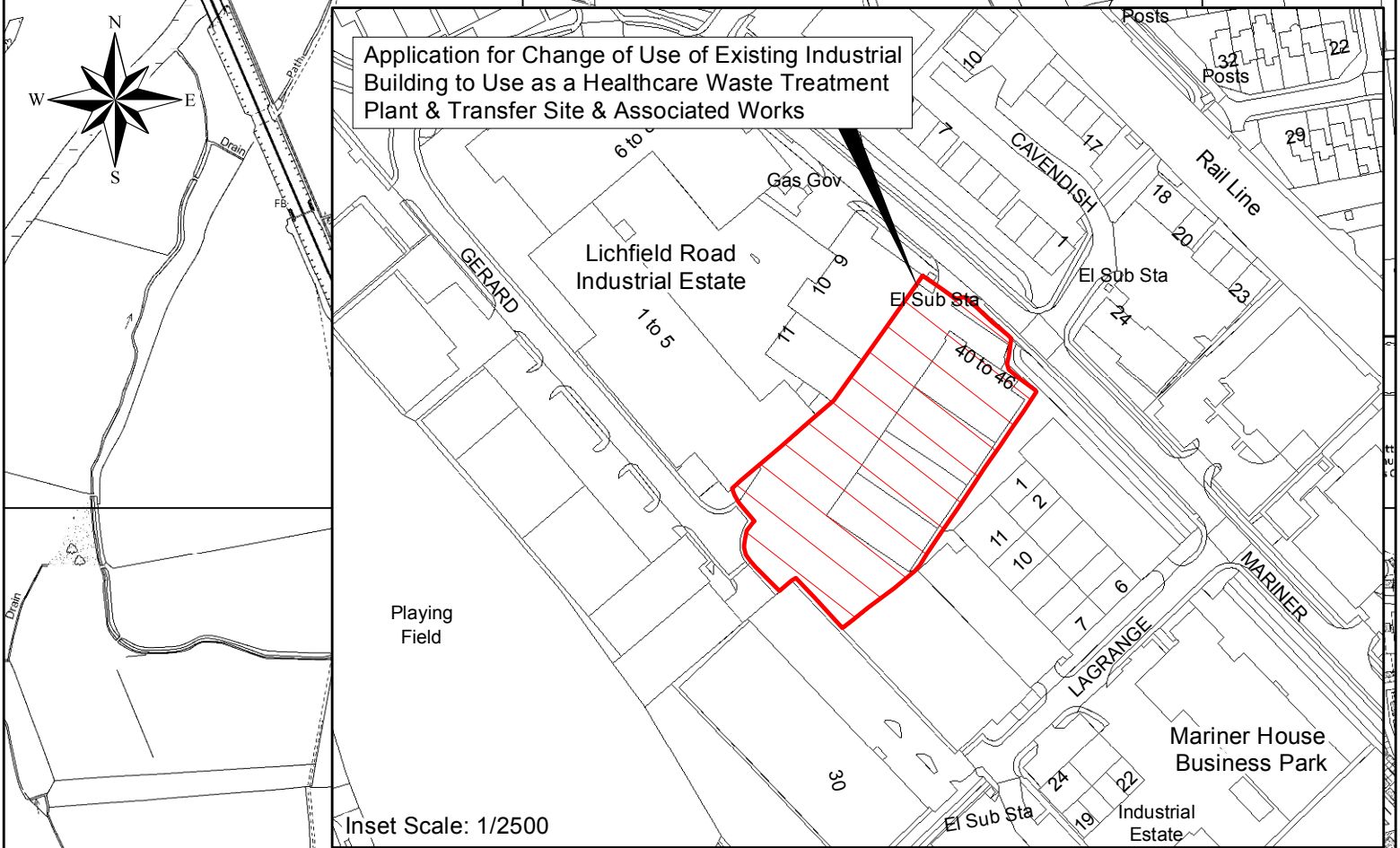


- [Determining a planning application](#)
- [Design](#)
- [Flood risk and coastal change](#)
- [Hazardous substances](#)
- [Health and wellbeing](#)
- [Noise](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Use of planning conditions](#)
- [Waste](#)
  - [Determining planning applications](#)
  - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014):
  - Determining planning applications (paragraph 7)
  - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
  - Appendix B – locational criteria:
    - a) protection of water quality and resources and flood risk management
    - b) land instability
    - c) landscape and visual impacts
    - d) nature conservation
    - e) conserving the historic environment
    - f) traffic and access
    - g) air emissions
    - h) odours
    - i) vermin and birds
    - j) noise, light and vibration
    - k) litter
    - l) potential land use conflict

[Return to Observation section of the report.](#)

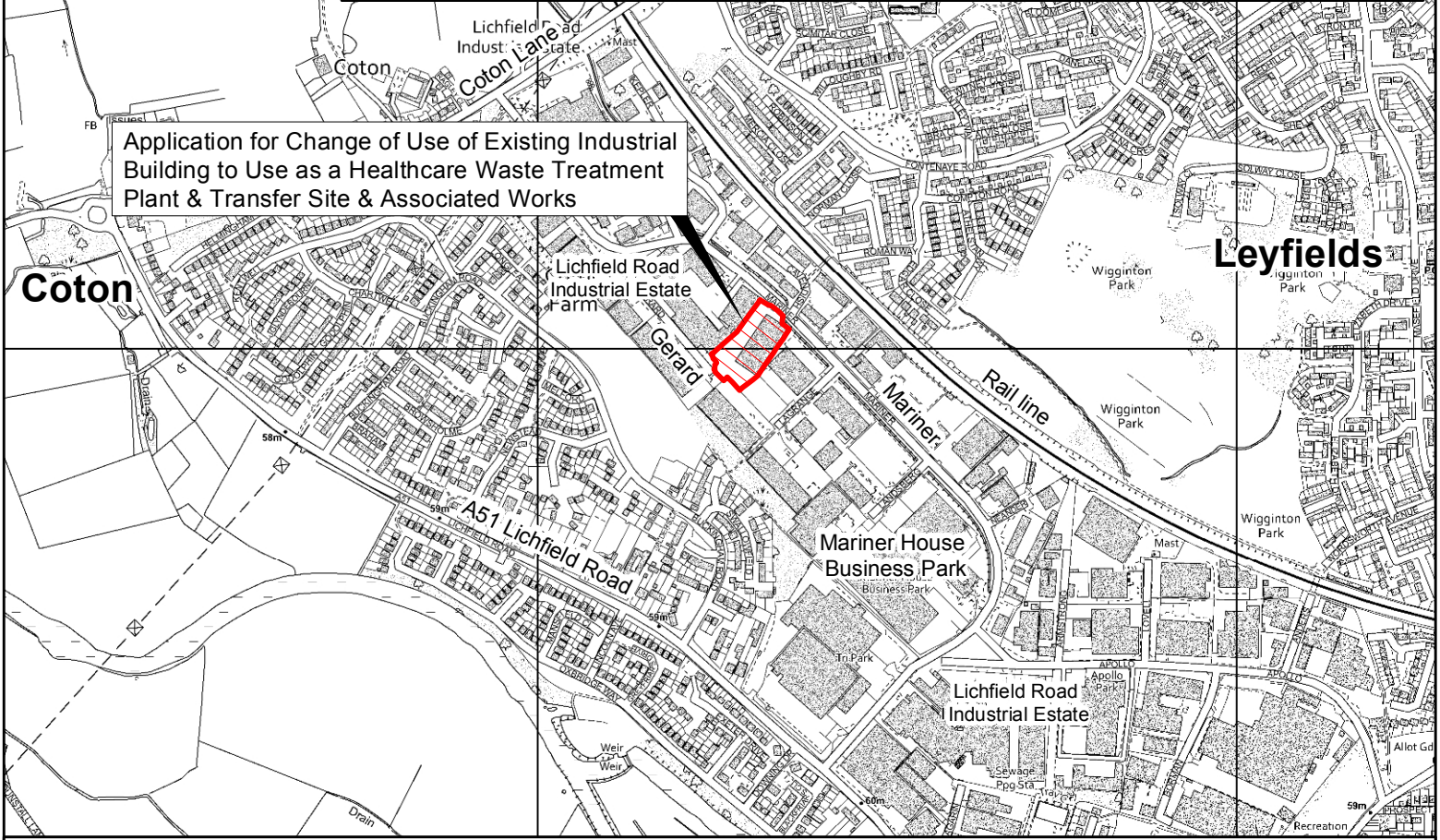


Application for Change of Use of Existing Industrial Building to Use as a Healthcare Waste Treatment Plant & Transfer Site & Associated Works



Inset Scale: 1/2500

Application for Change of Use of Existing Industrial Building to Use as a Healthcare Waste Treatment Plant & Transfer Site & Associated Works



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**Staffordshire County Council**  
 Planning, Policy & Development Control,  
 Staffordshire County Council,  
 No.1 Staffordshire Place,  
 Stafford, ST16 2LP.  
 Telephone 0300 123 8000

Stericycle. Application for change of use of existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works, Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth.



<b>Local Member</b>	
Mr. D. Smith	Lichfield Rural South

**Planning Committee      6 February 2020**

**Minerals County Matter**

**Application No (District):**      [L.15/15/802 MW D1](#) (Lichfield)

**Applicant:**                              WCL Cranebrook Quarry Ltd

**Description**                              Request to be released from Restoration Guarantee Bond in accordance with paragraph 5 of Schedule 3 to the Section 106 legal agreement dated 6 February 2018 associated with permission L.15/15/802 MW

**Location:**                                  Cranebrook Quarry, Watling Street, Muckley Corner.

**Background / Introduction**

1. In February 2018, planning permission was granted for an extension to Cranebrook Quarry (now referred to as Brownhills Quarry by the operator) which produces building sand. The permission relates to approximately 9 hectares (ha) of land although the extension only comprises of 4ha.
2. The permission requires the progressive restoration of the quarry which should be completed no later than 2 years after the cessation of quarrying in February 2033. The approved restoration concept for the quarry involves backfilling the quarry with imported inert construction, demolition and excavation wastes. It is intended to restore the quarry to grassland with biodiversity rich heathland and to create a water body to facilitate the future development of a canal marina (which would require separate planning permission from Lichfield District Council).
3. In accordance with policy 6 of the Minerals Local Plan, the operator was required to enter a Section 106 legal agreement (S106) to ensure that there is financial provision in place for restoration and aftercare works in the event that the developer went out of business. In this case, the operator was required to provide a bond arranged with a bank until access had been secured with a relevant trade association’s restoration guarantee fund.
4. This report relates to a request made by the quarry operator to agree to be released from the bond as the quarry operator has now joined a trade association and the site is therefore protected by the trade association’s restoration guarantee fund. This request has been made in accordance with the terms of the S106 and currently such matters can only be determined by the Planning Committee.

**Summary of Proposal**

5. The quarry operator currently provides a restoration bond with a bank in the sum of

£75,000 but under the terms of the S106, there is scope for the operator to satisfy the requirement for a restoration guarantee by becoming a member of a trade association and thereby benefitting from the association's restoration guarantee fund. In this case, the quarry operator is now a member of the Mineral Products Association and thus benefits from their Restoration Guarantee Fund. Consequently, the operator is now seeking confirmation from the County Council that the operator can be released from the obligation to hold the bond.

6. The operator's request is supported with a letter from the Mineral Products Association providing confirmation that the quarry operator is covered by their restoration guarantee fund.

## **Relevant Planning History**

7. [L.15/15/802 MW](#) dated 13 February 2018 - Eastern extension of sand quarry with associated importation of inert materials for restoration purposes and the sustainable recycling of construction and demolition waste. The site will include a landform and water body which is designed to promote biodiversity under agricultural management and would allow its use in the future (subject to a separate planning application) as a marina with ancillary facilities linking into the regeneration of the Summerhill section of the Wyrley & Essington Canal.
8. A [Section 106 Legal Agreement](#) dated 6 February 2018 was completed prior to the grant of permission L.15/15/802 MW and this obliges the operator amongst other matters to ensure that the quarry has the benefit of a restoration guarantee fund.

## **The development plan policies (and proposals) and the other material planning considerations relevant to this decision**

9. The development plan policies, and the other material planning considerations, relevant to this decision are listed below.
  - [Staffordshire and Stoke on Trent Minerals Local Plan \(2015 - 2030\)](#) (adopted 16 February 2017)
    - Policy 6: Restoration of Mineral Sites
  - [National Planning Policy Framework](#) (updated February 2019):
    - [Section 17](#): Facilitating the sustainable use of minerals
  - [Planning Practice Guidance](#)
    - [Minerals](#)

## **Observations**

10. Having given careful consideration to the operator's request and supporting information, including the relevant development plan policy and the other material considerations, referred to above, the key issue is considered to be:
  - Is the relevant fund sufficient to meet the cost of the Cranebrook quarry Restoration and 5-year Aftercare Scheme?

11. Policy 6.4 of the Minerals Local Plan requires that:

“In exceptional circumstances, developers will be required to demonstrate that adequate financial provision has been made to fulfil the restoration and aftercare requirements when proposals are submitted:

- a) for a new mineral site; or,
- b) to change the working, restoration and aftercare of an existing site, particularly when the proposals involve a change to the ownership or control of the site, or part thereof.

Adequate financial provision will also include the security of a Restoration Guarantee Bond or other financial guarantee to cover all or part of the restoration and aftercare costs.

12. Commentary: In support of the application L.15/15/802 M, the operator proposed to provide a restoration bond until membership had been secured with a relevant trade association’s restoration guarantee fund and an obligation was included in the S106 to confirm the arrangements for that bond and circumstances for an alternative bond to be agreed.
13. The initial bond is in the sum of £75,000 and is subject to review as quarrying progresses as it was assessed at the time of the application by the operator’s agent that a maximum restoration liability could amount to approximately £150,000. The Mineral Products Association’s [Restoration Guarantee Fund](#), in the event that the operator was to fail financially without meeting their restoration obligations, could pay for any such works to be carried out, up to a maximum of £0.5 million per individual claim and £1 million in total.
14. Planning Practice Guidance for [restoration and aftercare of mineral sites](#) (“When is a financial guarantee justified?”) states:
- “However, where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances.”
15. Commentary: The Mineral Products Association’s Restoration Guarantee Fund is clearly intended by Government to be accepted. The S106 obligates the operator to maintain membership, provide written proof that they are members and that the fund is sufficient and if membership lapses then they are obliged to provide a new Bond. Membership of the fund will be a matter for ongoing monitoring by your officers.

## Conclusion

16. Having confirmed that the operator is a member of the Mineral Products Association and that the Mineral Products Association’s Restoration Guarantee Fund is sufficient to meet the cost of the Cranebrook Quarry Restoration and 5-year Aftercare Scheme; and, having regard to the submitted information and the development plan policies and other material considerations referred to above, it is reasonable to conclude that the operator can be released from the requirement to hold a

Restoration Guarantee Bond in accordance with paragraph 5 of Schedule 3 to the S106 and as a consequence, there is no need for the operator to submit Financial Statements relating to the cost of restoration and aftercare.

## **Recommendation**

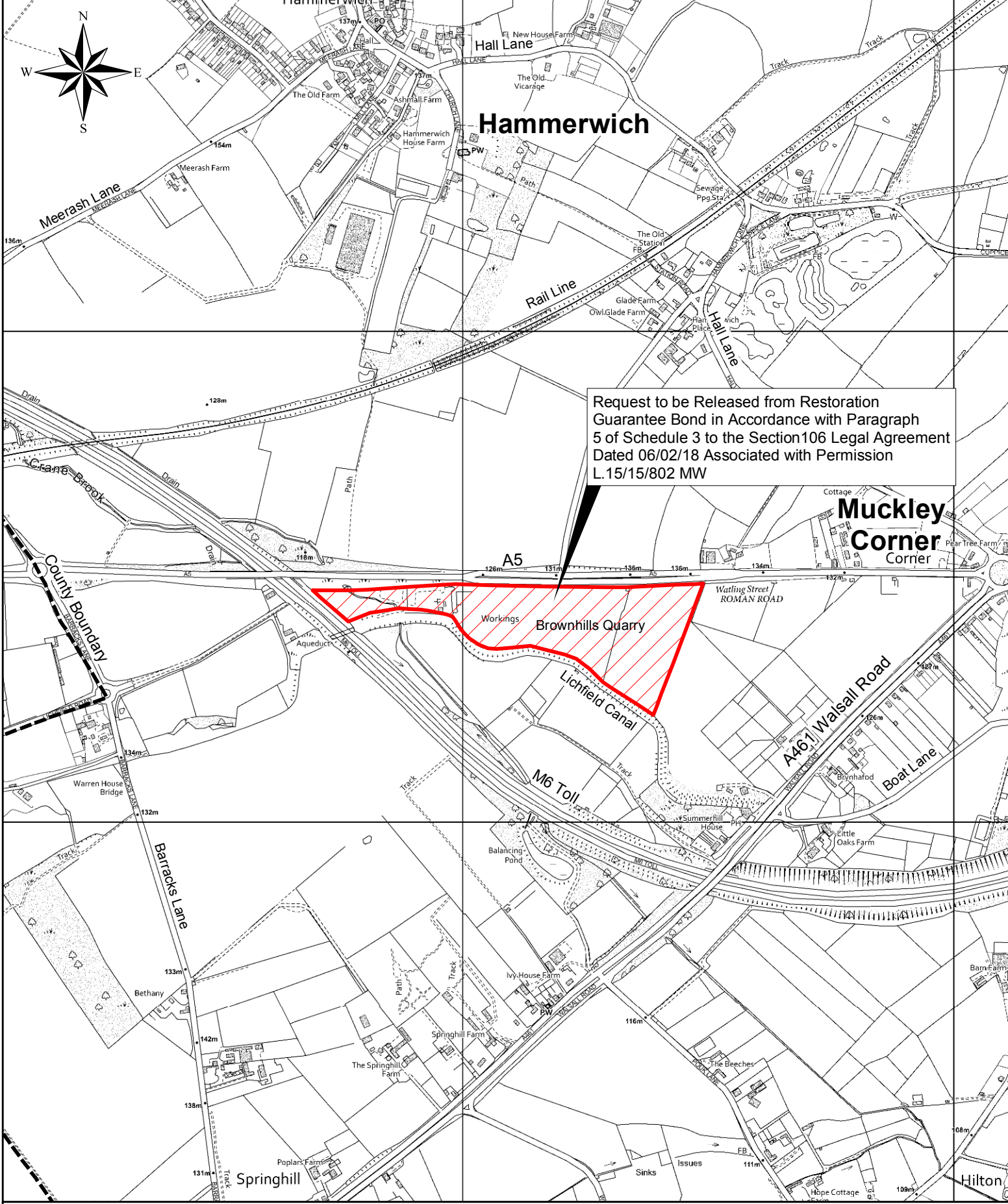
That the Planning, Policy and Development Control Manager be authorised to confirm in writing that:

- Staffordshire County Council is satisfied that the Mineral Products Association's Restoration Guarantee Fund is sufficient to meet the cost of the Cranebrook Quarry Restoration and 5 Year Aftercare Scheme and that the bond provided shall be discharged in accordance with paragraph 5 (i) of Schedule 3 of the Section 106 legal agreement dated 6 February 2018; and,
- the operator, while maintaining access to the Mineral Products Association's Restoration Guarantee Fund, is no longer required to submit Financial Statements under paragraph 2 of Schedule 3 of the same agreement.

Case Officer: Matthew Griffin      Tel: (01785) 277275  
email: [mat.griffin@staffordshire.gov.uk](mailto:mat.griffin@staffordshire.gov.uk)

*A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).*





Request to be Released from Restoration  
 Guarantee Bond in Accordance with Paragraph  
 5 of Schedule 3 to the Section 106 Legal Agreement  
 Dated 06/02/18 Associated with Permission  
 L.15/15/802 MW

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Planning, Policy  
 & Development Control,  
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 Stafford, ST16 2LP.  
 Telephone 0300 123 8000

WCL Quarries Ltd. Request to be released from Restoration  
 Guarantee Bond in accordance with paragraph 5 of schedule 3  
 to the Section 106 legal agreement dated 6 February 2018  
 associated with permission L.15/15/802 MW, Brownhills  
 Quarry (formerly known as Cranebrook Quarry), Brownhills.



**Planning Committee**

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**Annual Report - Safety of Sports Grounds  
April 2018 - March 2019**

**Report of the Deputy Chief Executive and Director for Families and Communities**

**1. Executive Summary**

This report informs the Committee of the Safety of Sports Grounds work carried out during the last financial year. It explains the County Council's statutory obligations under the relevant legislation and outlines the activity carried out to ensure that these duties have been met. The Report details the performance and highlights how this work influences the Council's priority outcomes. Finally, it advises the Committee of the future workload planning for to ensure that the Council continue to meet its statutory obligations in this area.

**2. Background**

Staffordshire County Council is responsible for administering the Safety of Sports Grounds Act 1975, and the Fire Safety and Safety at Sports Grounds Act 1987, in respect of sports grounds in Staffordshire.

This duty relates to "designated grounds" - which are sports grounds with a capacity of over 10,000 (5,000 for football). "Designated Grounds" require a safety certificate granted by the local authority. Within the County of Staffordshire Burton Albion Football Club is the only club that is recognised a "designated ground".

Sports stadiums with a covered stand of a capacity of over 500 standing or seated spectators (a regulated stand) require a "safety certificate" under the Act, granted by the local authority.

During 2018/19 Staffordshire County Council had responsibility for eight "regulated stands":

- Staffordshire County Showground – displays / exhibitions.
- Hednesford Hills Raceway – stock car racing.
- Hednesford Town Football Club – football.
- Leek Town Football Club – football.
- Stafford Rangers Football Club – football.
- Tamworth Football Club – football.
- Uttoxeter Racecourse – horse racing.
- Newcastle Stadium – speedway. \*\*

**(\*\* In September 2019 it was announced that the Speedway at Newcastle would close due to planned development of the site for industrial units.)**

The Act places a statutory duty on the Local Authority and the Emergency Services to provide advice and guidance to managers of sports grounds on their responsibility under the Act, and how best to discharge their responsibility.

It is the responsibility of the County Council to form and administer a Safety Advisory Group (SAG) for each stadium. The SAG brings key partners (emergency services, emergency planning and other key local authority officers) together to plan and prepare for spectator safety. Each SAG is chaired by an officer of the County Council and has representatives from the sports club and other partners.

The involvement of the SAG does not absolve the ground management of the responsibility for spectator safety. When applying the guidance and recommendations, the principal objective is “to secure reasonable safety at the sports ground when it is in use for the specified activity” (section 2(1) of the Safety of Sports Ground Act 1975).

The Safety of Sports Grounds team, along with key SAG partners, provide support and guidance to the management of the sports grounds to facilitate on-going crowd safety whilst ensuring that regulation is not over burdensome or restrictive on the growth of the venue. This support and guidance enable the business to progress, develop and on occasion diversify from the intended use of the venue

The attendance of people at these stadia using local businesses and services clearly influences the Council’s priority outcome “*Feel safer, happier and more supported in and by their community.*”

During May 2011, following a full review of the Safety of Sports Grounds function, Staffordshire County Council’s Audit Committee abolished the Safety of Sports Grounds Panel. It was agreed that the Planning Committee should receive an annual report on the work of the Spectator Safety Officer team. This report covers the period for the 2018/2019 financial year.

### **3. Risk Management**

The Safety of Sports Grounds Act 1975 places a statutory duty on the local authority to arrange a periodical inspection of designated sports grounds. The Act stipulates that “periodical” means at least once in every twelve months.

Home Office guidance, which relates to stands with a capacity of less than 2000, recommends inspection once every alternate calendar year. The eight

regulated stands highlighted above at 2 in the Report are covered by this guidance.

The inspection programme during 2017/18 informed the planning of inspections for the year commencing April 2018 and future years. All premises were risk assessed to assess the efficacy of the safety of spectator controls.

The criteria listed below formed the basis of the assessment for each site:

- Construction and maintenance of the premise
- Operation and management
- Training and development of safety staff
- Fire safety
- Provision of adequate medical facilities
- Appropriate contingency plans are in place and tested

To ensure there is an appropriate use of resource, the risk for each premise has been reviewed enabling the highest risk stands to be prioritised. Each premise was categorised as High, Medium or Low risk.

Burton Albion Football Club was assessed as the highest risk due its size. Inspection on both non-event and event days was therefore treated as priority. The “designated ground” at Burton Albion has been allocated at least one inspection per 12-month period.

### **Risk Assessment – Regulated Stands**

<b>Risk rating</b>	<b>Stand</b>	<b>Last Inspection Date</b>	<b>Next Inspection due</b>
High	Staffordshire County Showground	22/02/2019	2019/20
	Uttoxeter Racecourse	14/05/2019	2019/20
Medium	Stafford Rangers Football Club	08/02/2019	2020/21
	Leek Town Football Club	21/03/2018	2019/20
	Hednesford Town Football Club	09/11/2017	2019/20
	Hednesford Hills Raceway	19/10/2017	2019/20
	Tamworth Football Club	12/09/2017	2019/20
	Newcastle Stadium - Speedway	CLOSED	N/A

#### **4. Resources**

Following the outcome from the Hillsborough Inquests (where the jury found errors and omissions in the safety certification and oversight, and that a lack of pre-match and contingency planning contributed to the deaths), it is important that an appropriate level of resource for this area of work is maintained.

The resources for this area were drawn from within Trading Standards; the Safety of Sports Grounds work forms part of their overall activity. This enables the resourcing for a specialist area to be managed efficiently. The Community Protection Manager who holds the FSOA (Football Safety Officers Association) Certificate in Event and Match Day Safety Management and a Diploma in Spectator Safety Management Level 4 NVQ provides the lead for the function for the Local Authority.

In addition to the Community Protection Manager, a designated officer carries out the inspection work for the designated ground and both provide comprehensive reports to the Safety Advisory Groups and relevant sports grounds following inspection. Additional administrative support has been provided to both officers from within the trading standards team to ensure any issues are addressed prioritised by the risks associated with each stand.

The resources committed to this activity during 2018/19 equated to approximately 0.5fte.

#### **5. Performance**

In 2018/19, the designated ground at Burton Albion received a number of interventions as follows

- one Safety Advisory Group Meeting
- one during event inspection from SGSA
- one during event Safety Advisory Group inspection.

During 2018 / 19, both of the high risk regulated stands at Staffordshire County Showground and Uttoxeter Racecourse were inspected. The inspection at Uttoxeter Racecourse followed a fire in the course restaurant. During the SAG process a full review of the racecourse's contingency plans for fire were reviewed alongside the emergency services. The SAG ensured the lessons learnt from the emergency were incorporated in the future contingency planning for the racecourse

In line with the Risk Assessment, two of the medium risk stands were subject to intervention. Stafford Rangers received a SAG and additional non-event inspections, as a result of concern raised by SAG members over the management of safety at the club. Advice and guidance were provided to the club by a specialist officer of the fire and rescue service and the Community Protection Manager. Alterations to the fabric of the club, (for example one of the stands has been rebuilt and significant changes made to the turnstile

entrances) have been overseen by the SAG as well as a revision of the safety management processes within the club. The SAG is still actively engaged with the safety management team at the club and continues to provide support on an ongoing basis.

During 2018/19 several events held at Newcastle Speedway were subject to interest by the Safety Advisory Group for the ground. The speedway has seen dramatic reductions in spectator attendance, and a consequential reduction in income. The operator was reluctant to engage with the service; however, discussions did take place with both the operator and certificate holder to ensure a satisfactory level of spectator safety was maintained. In October 2018 the Community Protection Manager received an application to use the stand for the holding of a Stunt Show and Fireworks on 27th October 2018. The show posed a particular high risk for those attending the event and the SAG provided strong leadership to the organisers of the event to ensure the necessary precautions were in place to minimise the risk to people attending the event. The event took place as planned with no safety incidents occurring. The premises subsequently closed in September 2019 and as referred to earlier, the land is now planned for development of industrial units.

All issues identified as a result of the interventions at each of the premises have been addressed, to ensure the safety of all spectators, including those with disabilities, the elderly, families and children.

During 2018/19 the Community Protection Manager was invited to establish and chair a SAG for the Ironman event being run in June 2019. Emergency Services wished to ensure that safety management was at an appropriate level for such a high-profile event. The Community Protection Manager established and chaired a SAG for the event and was actively involved with the development of the plans and procedures and practical implementation of safety management systems for the event. The event went ahead successfully and there were no significant safety incidents. Subsequently following approval by SLT and Informal Cabinet to a 2-year commitment to Ironman, the Community Protection Manager has been invited to establish and chair the SAG for the event for the next two years.

Following the Grenfell fire, Central Government reviewed areas of risk to the public to ensure that all local authorities responsible for licensing designated grounds received an audit to check that there were consistent and adequate safety criteria in place. The Sports Grounds Safety Authority (SGSA) have established an audit programme to visit all local authorities who have designated grounds. In September 2018 Staffordshire County Council received their first audit which was carried out by the SGSA.

The inspection reviewed the performance of the authority in the implementation of the requirements for the “designated ground” and identified some minor recommendations for improvement. A number of these recommendations have already been completed and the remainder are in draft ready for implementation. The action plan is attached as Appendix 1 to this report for information.

## **6. Plans for current year and subsequent years**

There have been significant changes made recently to the Safety Certificate template produced by the Sports Grounds Safety Authority (SGSA). As part of these changes there is a “wider definition of Safety” and this includes amendments to ensure counter terrorism, anti-social behaviour and safety of all personnel in the ground including the Club’s employees are addressed. As highlighted in the Sports Grounds Safety Authority audit the authority should ensure this is addressed in plans procedures and in a new revision of the safety certification process. The Community Protection Manager will be liaising with safety management teams with designated and regulated stands to ensure compliance with the new definition.

## **7. Conclusion**

The Safety of Sports Ground team carried out inspections at the designated ground and 2 regulated medium risk stands in line with the risk assessment programme, the team gave remedial advice where necessary and ensured that Staffordshire County Council met its statutory obligations during 2018/19 in respect of the Safety of Sports Grounds Act 1975, and the Fire Safety and Safety at Sports Grounds Act 1987.

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## Appendix 1

### Audit carried out by SGSA - Action Plan 2018/19

Action Point		Progress
Review authorisation level/delegation to serve a prohibition notice	Revise County Councils Scheme of delegation / Operational Scheme of Sub-Delegation - Families & Communities	Complete - revised schemes of delegation - adopted by the County Council
Enforcement	develop template for prohibition notice.	Complete, template developed and incorporated in policy / procedures
Training	review training for staff who manage Sports Ground Safety	Complete - Incorporated in MPC process / Professional CPD
Safety Certification	ensure the wider factors are incorporated in the certification process	Circulated guidance to ensure all clubs are aware of the wider definition, need to ensure this is incorporated in clubs' plans, policies and procedures during following financial year
Constitution for the Formation, Operation and Administration of Safety Advisory Groups	Constitution needs to be reviewed and updated to take account the wider understanding of safety.	Full review and update of the constitution to include the wider understanding of safety, draft to be circulated for comment with a view to concluding 2019 /20.
Resolution process for disagreements on police attendance	Develop and document process to manage dispute resolution process for disagreements on police attendance.	Following discussion with the club - Introduced for discussion at Safety Advisory Group. Draft to be circulated for comment with a view to concluding 2019 /20.
Safety Certification - Capacity Calculation	Request full capacity calculation in accordance with Green Guide methodology including P & S factor	Requested full capacity calculation from the club following discussion with the club – outstanding, 2019 /20.

## **Appendix 2**

### **Equalities implications:**

There are no specific equalities implications raised by this report. Safe access and movement within venues, particularly in the event of an emergency for all users is considered as part of the safety team's inspections. The Safety of Spectator inspections take into consideration the safety of all spectators, particularly those with disabilities, the elderly, families and children.

### **Legal implications:**

The Team fulfil responsibilities the County Council has under the Safety of Sports Grounds Act 1975, and the Fire Safety and Safety at Sports Grounds Act 1987, in respect of Sports Grounds in Staffordshire.

### **Resource and Value for money implications:**

The team have initiated and implemented a risk-based approach to inspection which will consider "earned recognition" for those grounds who are reaching the appropriate standards of spectator safety. This will ensure the limited resources available to the team are focussed where they are most needed. Whilst providing support and guidance to the relevant sports clubs, the team are clear that the ultimate responsibility for spectator safety lies with the club. The Team will review the risk assessment for premises with a view to assessing whether the level of prioritisation is appropriate.

### **Risk implications:**

Risk to spectators and others attending venues is a primary consideration during inspections. Responsibility for the spectator's safety always lies with the certificate holder and ground management. The holder and ground management must produce a written statement of safety policy, operations manual and risk assessments (including fire and medical) for spectator safety. These documents must take into consideration the safety of all spectators, including those with disabilities, the elderly, families and children.

### **Climate Change implications:**

The newly implemented risk-based approach to inspections will ensure that only those stadia that require a visit will be visited. This will reduce mileage travelled by staff and improve the carbon foot print of the team, thereby reducing any impact on climate change.

### **Health Impact Assessment screening:**

By improving spectator safety at regulated and designated stadia the health and wellbeing of all spectators, including those with disabilities, the elderly, families and children will be enhanced. The Environmental conditions experienced by spectators at sporting events will be improved

<b>Local Members' Interest</b>
N/A

## Planning Committee – 6 February 2020

### Report of the Director for Economy, Infrastructure and Skills

#### Planning, Policy and Development Control Team Half Year Performance Report

### Purpose of the Report

To inform the Planning Committee about our planning policy-making and planning development control performance and related matters during the first half of the year (1 April 2019 to 30 September 2019).

### Recommendation

That the report be noted.

### Summary

#### Planning policy-making performance

We have completed our 15th [Annual Monitoring Report](#) (AMR) for the period April 2018 to March 2019. The AMR concluded that there is no immediate need to update our Waste or Minerals Local Plans.

#### Planning development control performance

- a) Speed - major development decisions **100%** (13 out of 13)
- b) Quality – major development decisions overturned at appeal **Nil** (0 out of 13)
- c) Speed - County Council's major development decisions **Nil** (0 out of 0)
- d) Speed - County Council's 'non-major development' decisions **100%** (5 out of 5)
- e) Delegated decisions **89%** (16 out of 18)

#### Application and Pre-application Advice Service Income

- a) 61 applications and submissions and just over £180,000 in fees.
- b) 7 requests for pre-application advice and almost £4,350 in fees (incl. VAT).

## Staffing and Caseload

Business and Enterprise, of which Planning, Policy and Development Control is a part, is currently undergoing a re-organisation in order to save £190,000 identified in the Medium-Term Financial Strategy (MTFS) for 2020-21. Consultations with staff have recently concluded and interviews have taken place with two Planning Information Officers at risk of redundancy.

The total number of cases received (applications, submissions and consultations) was down compared to the same period in the previous two years (74 compared to 132 and 119). Notably a fall in the number of consultations accounted for a significant part of this difference (13 compared to 59 and 51).

## Background

Performance in planning policy-making and planning development control is reported after the end of the financial year with an update after 6 months. Quarterly performance updates are reported to the Cabinet Member for Economy and Infrastructure.

This is a report about planning policy-making and planning development control performance and related matters during the first half of the year (1 April 2019 to 30 September 2019).

### Planning policy-making performance

We have completed our 15th [Annual Monitoring Report](#) (AMR) for the period April 2018 to March 2019. The AMR concluded that: we have enough reserves of most minerals; adequate facilities to process our waste; and our policies are working well. There is some uncertainty about the longer-term supply of clay to some of the county's brickworks, and a few of our older mineral sites have yet to produce detailed restoration plans. Overall, however, the AMR concluded that there is no immediate need to update our Waste or Minerals Local Plans.

### Planning development control performance

[Appendix 2](#) provides a summary of performance after two quarters in 2019-20.

[Appendix 3](#) provides a comparison with the same period in the previous two years.

a) Speed - major development decisions **100%** (13 out of 13)

The proportion of the minerals and waste development decisions made within 13 / 16 weeks or within an agreed extension of time.

National target	60% (over 2 years)
Local target	90% (over 1 year)

a) Quality – major development decisions overturned at appeal **Nil** (0 out of 13)

The proportion of the minerals and waste development decisions overturned at appeal.

National target	10% (over 2 years)
Local target	5% (over 1 year)

The proportion of the mineral and waste development decisions made on time, or within an agreed extension of time, remained at 100% and the proportion of those decisions appealed, let alone overturned on appeal, was nil as we continue to try to resolve outstanding matters before reaching a decision. Notably the number of mineral and waste development decisions made during the first half of the year was slightly lower than in the same period last year but significantly higher than the year before (13 compared to 16 and 7) (see [Appendix 3](#)).

b) Speed - County Council's major development decisions **Nil** (0 out of 0)

The proportion of the County Council's major development decisions made within 13 / 16 weeks or within an agreed extension of time.

Local target	90% (over 1 year)
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c) Speed - County Council's 'non-major development' decisions **100%** (5 out of 5)

The proportion of the County Council's non-major development decisions made within 8-weeks or within an agreed extension of time.

Local target	90% (over 1 year)
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[See [Definitions](#) for an explanation of 'major development' and 'non-major development'.]

The proportion of County Council developments decisions made on time, or within an agreed extension of time, remained at 100% as we continue to try to resolve outstanding matters with the applicant before reaching a decision. No County Council major development application were determined during the first half of the year, which is no different to the same period in the previous two years (see [Appendix 3](#)). The number of non-major County Council development applications determined remains very similar to the same period in the previous two years (5 compared to 7 and 5) (see [Appendix 3](#)).

[Note: The County Council's major developments typically involve large projects such as new schools e.g. the Branston Road High School near Burton; and, major highway improvement schemes e.g. the Stafford Western Access Road and the Lichfield Southern Bypass. Non-major developments typically involve much smaller projects e.g. additional classrooms at schools and new barns on the County Farms.]

d) Delegated decisions **89%** (16 out of 18)

The proportion of all decisions made by your officers in accordance with delegated powers.

Local target

80% (over 1 year)

The proportion of decisions made by your officers under delegated powers is above the target, however it is important to note that as the number of decisions made is small, so one or two decisions either way has a significant effect on the percentage figure (e.g. 14 out of 18 = 78%).

[Note: The delegated powers apply to applications that do not involve a substantial new site or significant extension; applications for county developments; applications where there are no objections from a statutory consultee, district / parish council or local member; or applications where there are no more than 4 objections on material planning grounds.]

### **Application and Pre-application Advice Service Income**

We received 61 applications and submissions and almost £180,000 in fees in the first half of the year (just over £194,000 at the end of Quarter 3). In line with Government regulations introduced in January 2018, the County Council has ring fenced 20% of the fee income to spend on the planning service. We carried over about £15,000 from last year and have ring fenced an additional £33,000 after two quarters in this financial year (the total at the end of Quarter 3 was about £53,000) (see [Appendix 1](#) 'Resource and Value for money implications' section for more information).

We increased our pre-application service charges in line with the general 2% increase in April 2019 and after two quarters in this financial year we have received 7 requests for pre-application advice and almost £4,350 in fees (incl. VAT).

### **Staffing and Caseload**

Business and Enterprise, of which Planning, Policy and Development Control Team is a part, is currently undergoing a re-organisation in order to save £190,000 identified in the Medium-Term Financial Strategy (MTFS) for 2020-21. Consultations with staff have concluded and interviews have recently taken place with two Planning Information Officers at risk of redundancy.

The Planning, Policy & Development Control Team post re-structure:

Team Manager  
2 Policy and Development Control Team Leaders  
1 Principal Planning Officer and 1 Senior Planning Officer (part-time)  
1 Planning Information Team Leader and 1 Planning Information Officer

The overall number of cases received (applications, submissions and consultations) was down compared to the same period in the previous two years (74 compared to 132 and 119). Notably a fall in the number of consultations after two quarters this year accounts for a significant part of this difference (13 compared to 59 and 51) probably due to our

mineral safeguarding standing advice taking effect.

Staffing to support our development control caseload, policy-making workload and overall performance will continue to be monitored.

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### **Definitions**

'Major development' is defined in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

In so far as it is relevant to applications determined by the County Council, a 'major development' means development involving the winning and working of minerals or the use of land for mineral-working deposits; waste development; the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or development carried out on a site having an area of 1 hectare or more.

### **List of Background Papers**

- Full Year Performance 2018 -19 - Planning Committee Report – 6 June 2019 ([see Committee agenda - item 45](#))
- [MHCLG - Improving planning performance: criteria for designation \(November 2018\)](#)
- [DCLG - Live tables on planning application statistics](#)
- [Town and Country Planning \(Section 62A Applications\) \(Amendment\) Regulations 2016](#)

## **Appendix 1**

### **Equalities implications:**

This report has been prepared in accordance with the County Council's policies on Equal Opportunities.

### **Legal implications:**

Officers are satisfied that there are no direct legal implications arising from this report.

### **Resources and value for money implications:**

Officers are satisfied that there are no direct resource and value for money implications arising from this report.

A significant increase in workload and the next review of our Minerals and / or Waste

Local Plan are likely to require additional resources if we are to maintain our current high performance. Decisions to refuse applications may lead to appeals being made. The funds to cover the cost of appeals would need to be found from the County Council's contingencies.

An ICT budget has been provided to replace our in-house planning ICT system with an externally hosted system (in accordance with the Corporate ICT Strategy). An annual budget for the cost of hosting the new system, beyond the initial contract period, will be required.

[The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017](#) increased planning application fees by about 20% with effect from 17 January 2018. At the request of the Government, the County Council, together with all other Local Planning Authorities, has agreed to re-invest the additional income in the planning service (the total accumulated at the end of 2018-19 was just over £15,000 and after two quarters an additional £33,000 has been added) (the total at the end of Quarter 3 was about £53,000).

#### **Risk implications:**

Officers are satisfied that there are no direct risk implications arising from this report

#### **Climate Change implications:**

The Staffordshire Minerals and Waste Local Plans and the Staffordshire District / Borough Local Plans include policies to address climate change which are considered, where applicable, when determining planning applications for mineral and waste development and applications for the County Council's own developments.

Government planning policy in the [National Planning Policy Framework](#) (February 2019), which refers to climate change (section 14), is also a material consideration in reaching decisions.

#### **Health Impact Assessment screening:**

The Staffordshire Minerals and Waste Local Plans and the Staffordshire District / Borough Local Plans include policies to address health which are considered, where applicable, when determining planning applications for mineral and waste development and applications for the County Council's own developments.

Government planning policy in the [National Planning Policy Framework](#) (February 2019), which refers to healthy communities (section 8), is also a material consideration in reaching decisions.



## Appendix 2 Planning Development Control - Quarterly Performance– 2019-20

	Target Description	Target (Local)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Performance (final outturn)
<b>National</b>	Speed of 'major development' decisions	60% (90%)	<b>100%</b> 7 out of 7	<b>100%</b> 6 out of 6			<b>100%</b> 13 out of 13
	Quality of 'major development' decisions	10% (5%)	<b>Nil</b>	<b>Nil</b>			<b>Nil</b>
<b>Local</b>	Speed of the County Council's own 'non-major development' decisions	(90%)	<b>100%</b> 1 out of 1	<b>100%</b> 4 out of 4			<b>100%</b> 5 out of 5
	Speed of the County Council's own 'major development' decisions	(80%)	<b>Nil</b>	<b>Nil</b>			<b>Nil</b> 0 out of 0
	Applications determined under delegated powers	(80%)	<b>75%</b> 6 out of 8	<b>100%</b> 10 out of 10			<b>89%</b> 16 out of 18

Speed is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications dealt with within 13 weeks, or within 8 weeks for non-major development decisions, unless the application is accompanied by an Environmental Statement when the target is 16 weeks, or within an agreed extension of time.

Quality is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications that are subsequently overturned at appeal.

Generally, a 'major development' (in so far as it relates to applications dealt with by the County Council) is defined as an application for the winning and working of minerals or the use of land for mineral-working deposits; and, waste development. A 'non-major development' is defined as an application which is not a 'major development'.

Appendix 3 Comparison with the same period in the previous two years

**Planning Development Control – Half Year Performance – 2019-20**

<b>Year</b>	<b><u>National</u> (Local Target)</b>	<b>Performance</b>
<b>Speed of 'major development' decisions</b>		
<b>2019-20</b>	<b>60% (90%)</b>	<b>100%</b>
		<b>13 out of 13</b>
2018-19	60% (90%)	100%
		16 out of 16
2017-18	60% (70%)	100%
		7 out of 7
<b>Speed of the County Council's own 'non-major development' decisions</b>		
<b>2019-20</b>	<b>(90%)</b>	<b>100%</b>
		<b>5 out of 5</b>
2018-19	(90%)	100%
		7 out of 7
2017-18	(80%)	100 %
		5 out of 5
<b>Speed of the County Council's own 'major development' decisions</b>		
<b>2019-20</b>	<b>(90%)</b>	<b>Nil</b>
		<b>Nil</b>
2018-19	(90%)	Nil
		Nil
2017-18	(80%)	Nil
		Nil
<b>Applications determined under delegated powers</b>		
<b>2019-20</b>	<b>(80%)</b>	<b>89%</b>
		<b>16 out of 18</b>
2018-19	(80%)	83%
		19 out of 23
2017-18	(80%)	75%
		9 out of 12

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of Part 1 of Schedule 12A  
of the Local Government Act 1972

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